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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 07-0454 PJH
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED] ORDER
)	EXCLUDING TIME FROM DECEMBER 12,
)	2007 THROUGH JANUARY 23, 2008
SHANNON BLAYLOCK,)	
aka ARLANDYS RICHARDSON,)	
aka "DADDY RICH",)	
TAWAKONI SEATON,)	
aka TONI,)	
)	
Defendants.)	

On December 12, 2007, the parties in this case appeared before the Court. Counsel for the United States and counsel for co-defendants Blaylock and Seaton stipulated that time should be excluded from the Speedy Trial Act calculations from December 12, 2007 through January 23, 2008. The parties represented that granting the continuance was necessary for effective preparation of counsel and continuity of counsel, taking into account the exercise of due diligence, to afford counsel time to review discovery and due to scheduled vacations during

which counsel would not be available. See 18 U.S.C. § 3161(h)(8)(B)(iv). Counsel for the United States also moved to exclude time for pursuant to 18 U.S.C. § 3161(h)(7) because co-defendants are joined for trial with other co-defendants with whom the time for trial has not run and a motion for severance has not been granted. Counsel for co-defendant Gardner objected to the exclusion of time on all grounds.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: April 30, 2008

/s / Denise Barton

DENISE MARIE BARTON
Assistant United States Attorney

DATED: April 30, 2008

/s/

MICHAEL STEPANIAN
Attorney for SHANNON BLAYLOCK

DATED: April 30, 2008

/s/

KENNETH WINE
Attorney for TAWAKONI SEATON

[PROPOSED] ORDER

As the Court found on December 12, 2007 and for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations December 12, 2007 through January 23, 2008 for effective preparation and continuity of counsel. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv). The Court also finds that time is properly excluded pursuant to 18 U.S.C. § 3161(h)(7) because co-defendants are joined for trial with other co-defendants with whom the time for trial has not run and a motion for severance has not been granted

SO ORDERED.

DATED: _____

HONORABLE. PHYLLIS J. HAMILTON
United States District Judge